UNITED
NATIONS

E

Economic and Social
Council

E/CN.4/1995/5/Add.1
15 June 1994

ENGLISH/FRENCH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Items 11 and 25 of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME OF METHODS OF WORK OF THE COMMISSION

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Note by the High Commissioner for Human Rights

Addendum

The present document contains the text of the address of the High Commissioner for Human Rights and that of the Assistant Secretary-General for Human Rights at the meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights (Geneva, 30 May - 1 June 1994).

GE.94-13228 (E)

ADDRESS OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Distinguished participants,

It is my great pleasure to welcome you in Geneva at this gathering of special procedures experts. I am particularly glad to have this opportunity so early in my tenure to address directly and in person all those who are responsible for the Commission on Human Rights' extra-conventional public procedures of implementation. I am equally glad that experts nominated under the advisory services programme have joined the meeting as certain of their activities are closely related to those of the special procedures. I am fully conscious of the nature of your important work for which I, Member States of the Organization, and the wider human rights community are in constant appreciation. As such, I consider this opportunity to meet with you and to discuss common concerns on an occasion of considerable significance.

1993 was a crucial year in the evolution of international action aimed at ensuring protection and promotion of human rights. It was the culmination of a long process of recognition that human rights belongs to humanity and that the international community has a fundamental responsibility to promote, protect and advance those rights. It was a recognition that the mission of the United Nations to uphold human dignity and human rights globally transcends national boundaries.

In order to build upon the Vienna spirit of cooperation and solidarity, and in order to respond fully to the new challenges ahead in the post-Vienna period, the international community unanimously agreed to the establishment of the High Commissioner for Human Rights as the United Nations official with principal responsibility for human rights. The mandates entrusted by the General Assembly to the High Commissioner are very broad: they include, inter alia the promotion and protection of all rights, including the right to development; the prevention of human rights violations; the coordination of human rights activities within the United Nations system; the enhancement of international cooperation on human rights; the provision of technical and financial assistance in the field of human rights; the coordination of education and public information programmes in the field of human rights; the strengthening and streamlining of the human rights machinery and the overall supervision of the Centre for Human Rights.

Consequently, the High Commissioner for Human Rights and the Centre for Human Rights, as the principal unit of the secretariat dealing with human rights issues, are a unity whereby the High Commissioner sets the policy directions and the priority of action and the Centre implements those policies under the direction of the Assistant Secretary-General for Human Rights.

Through the moral authority given to the High Commissioner by the community of States, the challenges and opportunities of implementing the Vienna Declaration and Programme of Action have just begun and are closely linked with the action of the High Commissioner himself. Let me therefore outline my perspective on the relation of my mandate to the important and

expanding work of the special procedures. I view our relationship as complementary, mutually supportive and essential to the improvement of respect for human rights throughout the world. While the High Commissioner will not duplicate or substitute himself for existing mechanisms and procedures, he will enhance and strengthen every aspect of your work.

In your rich joint declaration to the World Conference on Human Rights, you have properly noted that, following a long and successful era of standard-setting, a fine web of implementation mechanisms has been carefully spun. We are now in the era of implementation and there is no doubt that the world is increasingly looking towards the United Nations to give concrete meaning to the impressive catalogue of human rights standards. In strengthening the system of special procedures, I believe we can significantly respond to this challenge.

I have said that I am fully conscious of the nature of your work, and I would like to emphasize that I consider it to be a main pillar of the implementation of human rights in practical terms. While the mandates for which we are responsible are evidently particular and include their own specific issues and competences, let me focus on the common terms of our work: we each have important roles to play in the protection of human rights. That our work together should be advanced was the clear consensus of the international community as articulated in the Vienna Declaration and Programme of Action which recognized the importance of the system of special procedures, and explicitly approved the idea of this and future periodic meetings to enable the system to function more efficiently and effectively. It is the unequivocal will of the United Nations, therefore, that, through our work, the protection of human rights be improved. This meeting is a concrete manifestation of that will.

To give concrete implementation to the will of the international community, we must be practical and, faced with the extremely limited resources available to us, we must also be creative in our use of those resources. Cooperation and coordination are indispensable in this situation, and their advantages are to be found both in terms of efficient use of resources and in terms of substantive matters such as our relationship, and indeed the form and nature of our cooperation with Governments.

Your individual mandates establish competences, reveal complementariness and provide a starting-point for a practical examination of the ways in which we may help each other. On the one hand, the institution of the office of the High Commissioner for Human Rights has been established with its own clear overall competence for the promotion and protection of human rights. On the other hand, you have been entrusted with mandates relating to specific subjects or situations. Your mandates essentially require fact-finding, investigation and assessment of phenomena, situations and cases, and, as far as advisory services experts are concerned, development of comprehensive programmes of human rights assistance and training. In relation to your work, my mandate is essentially one of facilitation and coordination.

I should like to share with you a summary of the steps that I intend to take to enhance your work.

As a matter of priority, I believe that we have to enhance the timely flow of information from and to special rapporteurs from anywhere in the world. To that end, a "Human Rights Hot-Line" has been established which allows emergency information related to human rights situations to be monitored and dealt with rapidly by the Centre for Human Rights. This fax-line, open 24 hours a day, is used exclusively for that purpose by victims of human rights violations or relatives or informed NGOs and is handled directly by the Special Procedures Branch.

As a related step, I will study ways and means to ensure that fax machines will progressively, in accordance with priority needs, be available to each and every one of you in carrying out the functions entrusted to you by the Commission on Human Rights or the United Nations Secretary-General. This will allow timely communication and exchange of information related to your specific mandate between you and the Centre for Human Rights in Geneva as well as between you and regional intergovernmental organizations, national institutions, NGOs, academic and research centres, and relevant United Nations agencies and programmes.

Another essential requirement for enhancing the role of special rapporteurs will be the creation of a functioning "Human Rights Database" and of adequate research and documentation facilities, as much as possible electronically based and electronically retrievable. Once established, mostly through voluntary funding which we will seek to raise, the human rights database should not only be available to you here in Geneva but also, via modem, from your home base or from anywhere in the world through the use of portable computers that the Centre will progressively provide in connection with your official missions.

As High Commissioner for Human Rights I can identify five priority areas where enhanced cooperation and exchange of information should be ensured:

(a) In connection with emergency situations in the field of human rights, like in the case of Rwanda (and here I should like to thank you all for the quality and quantity of responses I have received to my request for information);

(b) In connection with early warning of human rights situations which may require preventive action by the High Commissioner, possibly through the provision of United Nations advisory services and technical assistance (like in the case of Burundi);

(c) In connection with field missions by the various special rapporteurs or working groups;

(d) In connection with the follow-up action of the High Commissioner to recommendations made by special rapporteurs and working groups;

(e) In connection with the work of other implementation mechanisms such as the treaty-based bodies and the provision of advisory services and technical assistance to Member States.

I would welcome your specific suggestions on, or further elaboration of, these five areas where greater communication and exchange of information would seem to be essential to the achievement of objectives contained in our respective mandates. To begin with my overall roles of enhancing international cooperation and of coordinating human rights activities throughout the United Nations system, it is evident that my mandate is extremely broad. In relation to the work of special procedures, I see my work not only as a facilitator of relations with Governments but also with the United Nations system in general. As regards the system, it is my intention to engage all relevant United Nations bodies, programmes and specialized agencies in a truly integrated approach to human rights. At the last session of the Administrative Committee on Coordination (ACC) which took place on 11-12 April 1994 and which is chaired by the Secretary-General of the United Nations and attended by heads of United Nations agencies and programmes only, human rights was on its agenda for the first time ever. I stressed the need for a permanent dialogue within the system to promote human rights through a systematic exchange of information, experience and expertise. The session of the ACC concluded its work by affirming the commitment of all agencies for the implementation of the Vienna Declaration and Programme of Action.

In relations with institutions outside the United Nations system, particularly regional intergovernmental organizations, national human rights institutions, academic and research communities and NGOs, I also intend to play a major role in facilitating a permanent dialogue and enhancing, whenever feasible, possibilities for mutually cooperative endeavours.

On the most immediate concern of relations with Governments, I would endeavour to facilitate cooperation and access for you. I would also endeavour to assist you in finding a comprehensive and coherent approach to the problems you must address. Further, and most importantly, I would seek to ensure effective follow-up to your findings and recommendations.

On the subject of rationalization, adaptation, strengthening and streamlining of United Nations machinery in the field of human rights, I am concerned about approaches to, and methods of, the work of implementation mechanisms. I am aware that your work is guided by the search for constructive dialogue with Governments and by the principle of "equality of arms" between Governments and non-governmental actors as manifested in the adversarial approach which has generally been followed in the procedures. Some very useful efforts have already been made to articulate this approach in more detail through the formulation, publication and endorsement of methods of work in the cases of the Working Groups on Enforced or Involuntary Disappearance and Arbitrary Detention and by the Special Rapporteurs on extrajudicial, summary or arbitrary execution and on torture. Additional efforts may be needed to further develop appropriate methodologies with a view to achieving maximum objectivity through transparency, limitation of

inconsistencies, avoidance of duplication and efficiency in general. Moreover, due attention to the universality, indivisibility and interdependence of all human rights should permeate investigations and be readily evident in reporting. To be sure, reporting based on improved information flows, sound methodology and objective and impartial analysis will inspire more confidence and greater cooperation on the part of Governments.

Without doubt, this would imply the availability of adequate resources. I am well aware that your work has suffered, and continues to suffer, from chronic under-funding. For many years you have been asked to perform the most sensitive of work with very limited means. Therefore, I want to pledge my commitment to do everything within my power to redress the situation and to strive for the means of support necessary for your work.

I would like to stress the preventive role which I intend to play in relation to human rights violations: this role will constitute an essential part of my action as High Commissioner. Here, I will avail myself of every possibility of acting quietly on a diplomatic level to obtain certain results with individual Governments and in relation to specific matters. In doing so, I will certainly draw upon your expert knowledge and advice relating to specific situations and concerns. In this connection, I would look to your reporting to highlight problem areas and I would welcome your specific recommendations of how the High Commissioner might play a constructive role. You are competent to investigate, assess and monitor, and should identify in a timely fashion areas where the High Commissioner could act, even before reporting to the competent legislative bodies. Here, our cooperation may play a most useful role in both early warning of future disasters and, more hopefully, in mitigating or even avoiding such disasters.

Very recently, I have attempted to play such a role in Burundi where I have endeavoured to accelerate and concretize a programme of technical assistance which I hope will contribute to defusing tensions and to building a solid foundation for the respect of human rights. I was convinced that in many ways the situation of crisis in Rwanda could have an effect also in Burundi, which had so far managed to maintain a relative, although tense, calm as a result of the killing of its President on 6 April. In this regard, I was encouraged by the very positive response I received during my visit to Bujumbura by senior officials of the Government of Burundi, including its interim President, as well as human rights institutions and local NGOs. These contacts will result in the establishment of a human rights presence in this country as of mid-June 1994 with a view to assisting in the implementation of the large programme of technical cooperation in the field of human rights which includes expert advice, institution-building, training, education and information activities and will run for the next two and a half years. I have launched an appeal for funding these projects to government delegations attending the special session of the Commission on 25 May and will follow up that appeal with their respective Foreign Ministers. This preventive action in Burundi should help stabilize the situation there at this critical juncture and possibly provide a positive example for Rwanda as well. Burundi will

indeed represent a litmus test of the international community's willingness to act in close cooperation with all relevant United Nations agencies and programmes in order to prevent a possible human rights tragedy. Certainly, I will act in a similar fashion in other situations which may be brought to my attention.

In referring to my own recent experience, let me briefly return now to my personal involvement in relation to events in Rwanda. Having taken up my duties as High Commissioner for Human Rights on 5 April of this year, I was immediately confronted with something of a baptism by fire when, on the very next day, the jet carrying the Presidents of both Rwanda and Burundi was shot down and a series of most tragic events ensued. In the weeks which have followed, the world has witnessed the most serious of human rights violations on a massive scale. On assuming my office, I have carefully followed the evolving situation and, on 14 April 1994, I addressed a memorandum to the Secretary-General in which I expressed my deep concern and suggested that urgent measures be considered to prevent a further deterioration of the situation. On 26 April 1994, I sought information on the situation from a wide range of United Nations agencies and programmes, special rapporteurs and working groups of the Commission on Human Rights, chairmen of treaty-based bodies, the OAU Commission on Human and People's Rights and human rights NGOs. On 4 May 1994, I called upon the members of the Commission to consider the advisability of convening a special session to address the worsening situation. Thereupon, I embarked upon a personal mission to the area accompanied by Mr. Joinet as an independent expert and by staff from the Centre for Human Rights. During my mission, I met with representatives of the main parties to the conflict and appealed to them to stop the human rights violations, agree to an immediate cease-fire and work towards a negotiated settlement of the conflict.

Upon my return to Geneva two weeks ago and following the initiative of the Government of Canada, 44 members of the Commission expressed support for the convening of a special session of the Commission on Human Rights on the situation in Rwanda. I submitted a report to the Commission on Human Rights and put forth my recommendations. As many of you already know, the Commission accepted my recommendation that a new Special Rapporteur be appointed, supported by a team of field officers, in order to investigate the most recent and massive violations of human rights and report periodically to the Commission, starting with a report to be concluded within the next four weeks. In addition, the Commission also decided to request certain thematic working groups and rapporteurs to cooperate with and assist the Special Rapporteur and to accompany him in visiting Rwanda whenever necessary.

I believe that my recent experience in Rwanda exemplifies the spirit in which I intend to proceed in emergency human rights situations and the action that the international community is ready to take in order to deal with those situations. I further believe that it demonstrates the realistic fashion by which I have described my functions and our potential for cooperation. It also underscores the appropriateness of this meeting as we seek to identify ways and means of making implementation mechanisms as effective as possible. The international community has spoken clearly and strongly in creating these mandates, and it is now up to us to act.

Of course, I am all too aware of the fact that the situation in Rwanda is far from isolated in the world. The subjects and situations addressed by your mandates clearly show the global nature of the difficulties in ensuring respect for human rights throughout the world. The tasks with which we have been charged, therefore, are great and sobering. And we must spare no effort to overcome obstacles, to seek improvements where we can and to fulfil our responsibilities. For my part, I pledge to work constantly towards these goals.

Over the next few days, your discussions will focus in more detail on these and other matters. In the course of this period, I hope that I will have the opportunity to get to know each of you better so that we may solidify our relationship, both individually and collectively. I wish you all the best in your deliberations and look forward very much to receiving the conclusions and recommendations of this most important meeting. I can assure you that I will personally review these conclusions and recommendations and do all in my power to translate them into reality.

ADDRESS OF THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

Mesdames et Messieurs,

Une fois encore, j'ai le grand plaisir de vous accueillir à Genève pour cette réunion des rapporteurs spéciaux, représentants, experts et présidents de groupes de travail chargés des procédures spéciales de la Commission des droits de l'homme, qui fait suite à la Conférence mondiale sur les droits de l'homme, de juin 1993, à Vienne. La plupart d'entre vous êtes assemblés ici pour la troisième fois, après avoir déjà eu l'occasion de vous réunir à deux reprises, à titre officieux, lors du processus préparatoire de la Conférence de Vienne, puis au moment même de la tenue de la Conférence.

Lors de vos deux précédentes réunions, vous avez pris déjà plusieurs initiatives visant à cerner et mettre en lumière certains aspects fondamentaux de vos fonctions respectives de rapporteurs spéciaux, d'experts, de représentants du Secrétaire général ou de présidents de groupes de travail. Vos efforts ont culminé avec la Déclaration commune que vous avez adressée, en juin 1993, à la Conférence mondiale sur les droits de l'homme. Dans cette déclaration, vous avez relevé qu'au-delà des mandats spécifiques qui vous étaient impartis, vous vous efforciez d'amener les Etats à agir en conformité avec les principes et les objectifs de la Charte des Nations Unies, dans le but d'instaurer ou de rétablir la paix par la justice.

Vous avez aussi souligné que la promotion et la protection des droits de l'homme exigeaient un système universel de surveillance, dont les mécanismes existants constituaient un élément cardinal du dispositif des Nations Unies en faveur des droits de l'homme. Toutefois, certaines faiblesses décelées dans le système requéraient des remèdes appropriés, que ce soit pour améliorer la qualité ou l'objectivité des informations recueillies, assurer la cohérence et le suivi des démarches entreprises, effectuer à un rythme accru des missions sur le terrain dans la perspective d'un dialogue régulier et positif avec les Etats, et éviter la duplication des efforts ou pallier aux lenteurs administratives et aux obstacles d'ordre humain et financier auxquels se heurte souvent la réalisation de vos mandats.

Votre déclaration avait en outre dressé une liste de mesures à prendre destinées à faciliter le déroulement de vos tâches respectives. L'une de ces mesures suggérait l'instauration de réunions périodiques entre les rapporteurs spéciaux, représentants, experts ou présidents de groupes de travail des procédures spéciales. Ce voeu a été retenu par la Conférence mondiale qui a précisé que "des réunions périodiques devraient permettre d'harmoniser et de rationaliser le fonctionnement de ces procédures et mécanismes".

Malgré cette injonction de la Conférence de Vienne, il n'a malheureusement pas été possible d'obtenir des ressources financières supplémentaires. Il a été par conséquent nécessaire d'organiser votre rencontre avec les moyens financiers existants, raison pour laquelle nous avons été finalement amenés à vous demander de prévoir sa tenue dans le cadre de vos consultations respectives à Genève. Aussi les préparatifs pour cette réunion ont-ils été quelque peu entravés par ce manque de moyens.

Néanmoins, comme vous aurez pu le constater, nous avons pris soin de vous consulter à l'avance pour l'élaboration du projet d'ordre du jour qui vous est proposé. Ce projet est donc le fruit des fort intéressantes propositions et suggestions que plusieurs d'entre vous m'ont fait parvenir, ce dont je les remercie très vivement. Ce projet d'ordre du jour constitue, à l'évidence, un programme de travail très ambitieux, couvrant un large éventail de sujets et impliquant des réflexions à moyen et long terme, susceptibles de se poursuivre lors d'autres rencontres prévues à cet effet.

En dehors des questions de procédure propres à votre réunion, trois sujets principaux ont été identifiés pour inspirer et guider vos travaux. Le premier traite des méthodes de travail appliquées dans les divers mandats des procédures spéciales, notamment en matière de collecte, d'analyse et de synthèse des informations disponibles. Il s'agit également du dialogue qui s'instaure simultanément ou par la suite avec les gouvernements d'une part et les organisations non gouvernementales, voire les victimes elles-mêmes, d'autre part à l'occasion de l'envoi des allégations basées sur les renseignements reçus. Ce chapitre inclut également la question des relations des rapporteurs spéciaux et autres experts avec la Commission des droits de l'homme, et la diffusion de leurs rapports en dehors de la Commission, notamment auprès de la presse écrite ou orale. Les relations avec les médias durant les missions sur le terrain figurent également sous ce point de l'ordre du jour.

Le deuxième faisceau de sujets regroupe les divers volets de la coopération des rapporteurs, experts, représentants et présidents de groupes de travail au sein comme en dehors du système des Nations Unies. Une part importante de cette coopération comprend les relations entretenues avec les autres programmes ou institutions spécialisées du système des Nations Unies, puis celles avec d'autres agences intergouvernementales ou d'un autre type, extérieures aux Nations Unies. C'est dans ce cadre que vous serez notamment amenés à développer votre future collaboration avec le Haut Commissaire aux droits de l'homme, qui vient de vous exposer sa vision en la matière. Personnellement, je me réjouis de ces nouveaux liens qui vont se créer entre la fonction du Haut Commissaire et l'ensemble des procédures spéciales, dont j'ai tout lieu de penser avec confiance qu'ils seront des plus fructueux et prometteurs pour la promotion et la protection des droits de l'homme.

Quant au troisième sujet abordé, il englobe l'ensemble des préoccupations relevant des ressources humaines et financières à disposition pour l'organisation et la mise en oeuvre pratiques de vos divers mandats. Lorsque vous aborderez ce chapitre, ce sera certainement l'occasion pour vous d'examiner les solutions envisageables pour répondre à certaines préoccupations de la Commission concernant les problèmes épineux que posent à la fois le nombre des rapports qui lui sont soumis, la longueur de ces rapports et le fait que ceux-ci lui sont souvent soumis avec un grand retard en raison de contingences techniques de traduction et d'impression, souvent aggravées par le manque de personnel et de moyens financiers adéquats. C'est dans ce contexte que devrait être aussi explorée la question de mettre sur pied des missions conjointes regroupant certaines procédures thématiques et géographiques, comme cela a été le cas déjà avec l'ex-Yougoslavie et peut-être, dans un avenir proche, à propos du Rwanda.

Il vous appartiendra naturellement de décider quels sujets vous souhaitez traiter en priorité à la présente réunion, étant donné le temps très limité dont vous disposez. Pour chacun des points précités, le secrétariat a préparé des documents de travail dont la liste figure à la fin de chaque section du projet d'ordre du jour annoté. Par ailleurs, vous aurez sans doute remarqué que la documentation de base que nous avons tenté de rassembler à votre attention pour la présente rencontre résulte d'un effort délibéré de notre part pour vous fournir le maximum d'informations disponibles et susceptibles d'alimenter vos réflexions.

Peut-être souhaiterez-vous, durant vos délibérations, procéder à un débat général et, par la suite, identifier plus concrètement un calendrier de questions spécifiques à examiner sur plusieurs réunions durant les deux années à venir. Ceci permettrait au Centre pour les droits de l'homme de vous assister dans la préparation de documents pertinents qui seraient orientés plus spécifiquement sur les sujets que vous souhaiteriez traiter en profondeur.

Sur un plan plus large, vos relations avec la Commission méritent d'être étudiées en profondeur. Vous êtes sans doute frustrés de la manière dont la Commission examine vos rapports, comme d'ailleurs les membres de celle-ci. L'instauration d'un dialogue efficace entre les rapporteurs et autres experts, d'une part, et les membres de la Commission, d'autre part, s'avère en effet très difficile. Comme vous le savez peut-être, la Commission, consciente des problèmes que pose l'organisation de ses travaux, a crée, lors de sa cinquantième session, un groupe de travail chargé d'examiner la rationalisation de ses méthodes de travail et, notamment, la question délicate de la restructuration de son ordre du jour. Ce groupe va se réunir pour la première fois en septembre prochain : peut-être aurez-vous des suggestions de substance à faire pour en alimenter le débat ?

Enfin, je ne saurai clore ces brèves remarques introductives sans vous dire combien je partage vos préoccupations devant le manque constant de moyens humains et financiers accordés aux procédures spéciales, pour que leur mise en oeuvre s'exerce dans des conditions normales sinon optimales. Ces contraintes sont bien évidemment connues, mais il m'importe de le dire et de le reconnaître devant vous. Malgré les grands efforts déjà consentis pour pallier à ces difficultés, celles-ci demeurent pour moi une source de soucis permanente. Je le déplore d'autant plus que nos efforts de persuasion dans ce domaine n'ont été couronnés que par des succès très modestes, jusqu'à présent. Nous allons néanmoins tout mettre en oeuvre pour faciliter autant que faire se peut votre tâche. Nul doute que l'effort de réflexion, de coordination et de rationalisation de vos activités auquel vous allez vous livrer, durant votre rencontre, contribuera à faire progresser de manière substantielle la bonne réalisation de vos mandats respectifs.

Tous mes voeux vous accompagnent pour le plein succès de votre réunion.